

IN THE UNITED STATES DISTRICT COURT FOR THE EASTERN DISTRICT OF  
MISSOURI, EASTERN DIVISION

CORNELL MCKAY	)	
	)	Cause No. 4:15-cv-01315-JAR
Plaintiff,	)	
	)	
vs.	)	
	)	
THE CITY OF ST. LOUIS, MISSOURI, et al.	)	
	)	
Defendants.	)	

**DEFENDANT JENNIFER JOYCE’S MOTION TO STRIKE**

Defendant Jennifer Joyce (“Joyce”), by and through undersigned counsel, pursuant to Federal Rule of Civil Procedure 12(f), moves to strike immaterial, impertinent, and scandalous allegations from Plaintiff’s Second Amended Complaint.

1. Federal Rule of Civil Procedure 12(f) provides that “[t]he court may strike from a pleading an insufficient defense or any redundant, immaterial, impertinent, or scandalous matter.”

2. Joyce moves to strike paragraph 157 in Plaintiff’s Second Amended Complaint, which alleges various purported unconstitutional “policies, practices, and customs” of the Circuit Attorney’s Office. The “policies, practices, and customs” alleged have no bearing to the Plaintiff’s alleged constitutional deprivation and to serve only to publicly besmirch the reputation of the Circuit Attorney’s Office and Joyce.

4. Joyce’s Motion to Strike is timely. Fed. R. Civ. P. 12(f).

5. Pursuant to Local Rule 7-4.01, Joyce files a Memorandum in Support of her Motion to Strike.

WHEREFORE Joyce respectfully requests that this Court strike the immaterial, impertinent, or scandalous allegations in paragraph 157 of Plaintiff's Second Amended Complaint in their entirety, and for all of other relief the Courts deems just and fair.

Respectfully submitted,

CARMODY MacDONALD P.C.

By /s/ David Luce  
David Luce, #36050MO  
Tyler Schaeffer, #60847MO  
120 South Central Avenue, Suite 1800  
St. Louis, Missouri 63105  
(314) 854-8600 Telephone  
(314) 854-8660 Facsimile  
dhl@carmodymacdonald.com  
tcs@carmodymacdonald.com

*Attorneys for Defendants Jennifer Joyce,  
Susan Ryan, and SC Ryan Consulting, LLC*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 5, 2016, the foregoing was served via the Court's electronic filing system upon all counsel of record.

/s/ David Luce